IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

HERBERT APONTE,	:	**CIVIL ACTION NO. 3:21-CV-1568**
	:	
Petitioner	:	**(Judge Conner)**
	:	
v.	:	
	:	
ATTORNEY GENERAL OF	:	
PENNSYLVANIA,	:	
	:	
Respondent	:	

ORDER

AND NOW, this 25th day of October, 2021, upon consideration of the report

(Doc. 4) of Magistrate Judge Joseph F. Saporito, Jr., recommending that the court

dismiss petitioner Herbert Aponte's petition (Doc. 1) for writ of habeas corpus for

lack of subject matter jurisdiction as it is a second or successive petition for which

Aponte has not obtained preauthorization from the Third Circuit Court of Appeals,

and the court noting that Aponte has not objected to the report, see FED. R. CIV. P.

72(b)(2), and further noting that failure of a party to timely object to a magistrate

judge's conclusions "may result in forfeiture of *de novo* review at the district court

level," Nara v. Frank, 488 F.3d 187, 194 (3d Cir. 2007) (citing Henderson v. Carlson,

812 F.2d 874, 878-79 (3d Cir. 1987)), but that, as a matter of good practice, a district

court should afford "reasoned consideration" to the uncontested portions of the

report, E.E.O.C. v. City of Long Branch, 866 F.3d 93, 100 (3d Cir. 2017) (quoting

Henderson, 812 F.2d at 879), in order to "satisfy itself that there is no clear error

on the face of the record," FED. R. CIV. P. 72(b), advisory committee notes, and,

following an independent review of the record, the court agreeing with Judge

Saporito's analysis and recommendation, and concluding that there is no clear

error on the face of the record, it is hereby ORDERED that:

1.   Magistrate Judge Saporito's report (Doc. 4) is ADOPTED.

2.   Aponte's petition (Doc. 1) for writ of habeas corpus is DISMISSED.

3.   The court finds no basis to issue a certificate of appealability. See
        28 U.S.C. § 2253(c); see also 28 U.S.C. § 2254 Rule 11(a).

4.   The Clerk of Court is directed to CLOSE this case.

                                /S/ CHRISTOPHER C. CONNER
                                Christopher C. Conner
                                United States District Judge
                                Middle District of Pennsylvania